

N. Gordon et al.  
U.S. Serial No. 10/662,191  
Page 5 of 6

### REMARKS

Claims 27, 28, 32, 34, 36-38, and 44 are pending in the application. Claims 27 and 36 are amended to incorporate allowable subject matter from original claim 29. The amendments are fully supported by the application as originally filed (see, for example, specification at page 40, line 30 to page 41, line 4). Applicants submit that amended claims 27 and 36, and the claims that depend therefrom, are in condition for allowance.

New claim 44 has been added. Claim 44 recites subject matter from original claims 27 and 29. Applicants submit that claim 44 is in condition for allowance.

Claims 30, 31, 33, 35, and 39-43 are rejected under 35 USC 112, first paragraph, and the drawings are objected to for allegedly failing to show "a second needle at the distal tip." Claims 30, 31, 33, 35, and 39-43 are canceled without prejudice to advance prosecution of this case. Applicants note that at least one embodiment disclosed in the specification includes a plurality of needles.

Claims 27, 28, 32, 34, and 36-38 are rejected under 35 USC 102(c) over U.S. Patent 5,860,992<sup>1</sup> to Daniel et al. (hereinafter "Daniel"). Claims 27, 28, 32, 34, 36, and 37 are rejected under 35 USC 102(b) over U.S. Patent 1,822,330 to Ainslie. Applicants traverse these rejections.

Amended independent claim 27 recites, in part, a suturing instrument comprising an elongate body comprising a longitudinal axis, a distal end, and at least one depression; and a distal tip comprising at least one rotation pocket, the depression engaged in the rotation pocket and allowing rotation of the distal tip about the longitudinal axis of the elongate body. Amended independent claim 36 recites similar elements of an elongate body and a distal tip, but also recites method steps.

---

<sup>1</sup> In a telephone conversation on August 16, 2005, Examiner Jackson confirmed that the rejection over "Daniel" pertains to U.S. Patent 5,860,992 (not U.S. Patent 5,709,693, as indicated in the Office Action of 06/08/2005).

N. Gordon et al.  
U.S. Serial No. 10/662,191  
Page 6 of 6

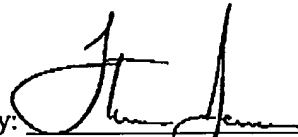
In other words, amended independent claims 27 and 36 incorporate subject matter from original claim 29, which has been canceled without prejudice.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,  
EDWARDS & ANGELL, LLP

Date: September 7, 2005

By:



Steven M. Jensen  
(Reg. No. 42,693)

P.O. Box 55874  
Boston, MA 02205

Phone: (617) 439-4444

Customer No. 21874